

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1483 OF 2005

IN
EXECUTION APPLICATION NO.356 OF 1999
IN
SUMMARY SUIT NO.1356 OF 1977

M/s.Otarmal Kantilal & Co.	... Plaintiff
V/s.	
Balkrishna Kahadeo Bandekar (since deceased)	
Vilas Balkrishna Bandekar & Ors.	... Defendants
And	
The Secretary Dattatreya Co-op. Hsg. Society	... Applicants
And	
Sheriff of Bombay	... Respondent

Mr.Kishore Jain for Plaintiff
Ms.R.Sharma for Defendant Nos.1(d) and (e)
Mr.Nitin Vatkari i/b G. Hiranandani for Applicants
Mr.A.M. Kazi, Dy. Sheriff, present

CORAM: SMT.NISHITA MHATRE, J.

DATED: DECEMBER 14, 2005

P.C.:

. By an order dated 9.7.2003, this Court had extended the warrant of sale by a further period of one year. The parties were directed to bear the cost of publication. The applicants in the Chamber Summons had no objection to bear the cost of publication. Accordingly, the public auction was conducted. However, no bids were available above the reserved price.

2. By this Chamber Summons, the applicants Dattatreya Cooperative Housing Society in which the flat which is attached is located has sought a direction against the Sheriff of Bombay to disclose the reserved price. According to the learned Advocate for the applicants, the Society has received several offers for the sale of the flat and therefore, the society wishes to sell the flat by private treaty. The Society dues are also payable by the Defendants. The Plaintiff, decree holder has no objection.

3. Accordingly, Chamber Summons is allowed. The flat shall be sold by private treaty after disclosing the reserved price. The warrant of sale is extended for one year from today. After a suitable bidder is found, the parties will approach the Court for sanction of the sale.

3. Sheriff to act on an authenticated copy of this order.